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LETTER DATED 17 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon authorization, I send this letter in order to notify you of our position on the "United Nations Command" in south Korea.

Today, the Korean peninsula still remains in a state of armistice, not durable peace. The United States has already completed a series of plans to provoke the Second Korean War, such as "Operation Plan 5027" aimed at destroying our Republic by force. Consequently, a grave situation is now in the making, in which another war could break out on the Korean peninsula at any moment.

Moreover, some time ago, the United States committed the most dangerous act of air strikes against Iraq without a new Security Council resolution, thus disregarding Security Council members. All these events of recent days have made us ponder, once again, over the United States' ulterior intention of not dissolving the "United Nations Command" in south Korea.

Security Council resolution 84 (1950) of 7 July 1950, which the United States refers to as the legal basis for establishing and maintaining the "United Nations Command", constitutes a total violation of Article 27, paragraph 3 of the Charter of the United Nations since it was "adopted" when the Soviet Union, one of the permanent members at that time, did not participate in its deliberations and vote.

In this regard, in February 1965 the then President of France stated that Council resolution 84 (1950) deviated from the principles of the Charter, and the former Secretary-General also made clear in his letter of 24 July 1994 to the Minister of Foreign Affairs of the Democratic People's Republic of Korea that the aforesaid resolution was not a decision to establish a "United Nations Command".

In actuality, the "United Nations Command" in south Korea is not an organ under the United Nations system or a subsidiary organ of the Security Council. Nor is it funded by the United Nations. Furthermore, it is operating only under

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* Reissued for technical reasons.

the control and instruction of the Joint Chiefs of Staff of the United States Armed Forces, not those of any organ, including the Security Council, within the United Nations system.

Nevertheless, the United States is still keeping the "United Nations Command" in south Korea, while turning its face away from our proposal to replace the armistice agreement with a Democratic People's Republic of Korea-United States peace agreement. Its intention of doing so is nothing more than to use the name of the United Nations for waging a pre-emptive military strike against our country in a so-called "case of emergency".

The Security Council, whose primary responsibility is to prevent war and maintain international peace and security, certainly should not allow the United States to use the United Nations name for provoking the Second Korean War.

The Russian Federation became a permanent member by succeeding the former Soviet Union, and in 1972 the People's Republic of China took the status of a permanent member. As such, certain changes have taken place in the composition of the Security Council in the past half a century.

Therefore, the Security Council, commensurate with these changes, should pay due attention to correcting its wrongdoing made in dealing with the issue of Korea during the Cold War era and take a measure to dissolve the "United Nations Command" in south Korea, a product of arbitrariness and high-handedness of the United States.

I also take this opportunity to draw the attention of the Security Council to the Secretary-General's letter of 21 December 1998 in response to the letter of 1 July 1998 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea, in which the former indicated that the withdrawal of the United Nations flag and name from United States troops in south Korea falls under the mandate of the Security Council.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) LI Hyong Chol
Ambassador
Permanent Representative